

United States District Court
for
District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Kerwin Paulino

Docket Number: 07-01000-001
PACTS Number: 48840

Name of Sentencing Judicial Officer: HONORABLE SUSAN D. WIGENTON
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 05/07/08

Original Offense: Conspiracy to Import Cocaine

Original Sentence: 24 months imprisonment, 3 years supervised release, \$100 special assessment.

Type of Supervision: Supervised Release

Date Supervision Commenced: 02/05/09

Assistant U.S. Attorney: To be assigned, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: Chester Keller, FPD, 1002 Broad Street, Newark, New Jersey 07102, (973) 645-6347

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 The offender has violated the mandatory supervision condition which states '**You shall not commit another federal, state, or local crime.**'

On January 9, 2012, Paulino was arrested in the Bronx, New York, and charged with possession of marijuana in the fifth degree, a class B misdemeanor. According to the complaint, Paulino was observed on the northeast corner of Morris Avenue and East 181st Street in possession of a small quantity of marijuana.

On January 10, 2012, before the Honorable J. Capella, Paulino plead guilty to possession of marijuana and was sentenced to an adjournment in contemplation of dismissal (ACD). In essence, the charge will be dismissed after one year (on January 9, 2013) if Paulino does not sustain any new arrests.

A misdemeanor offense in New York State is punishable by imprisonment of at least fifteen days, but not more than one year.

- 2 The offender has violated the standard supervision condition which states **'You shall not leave the judicial district without the permission of the Court or Probation Officer.'**

Paulino was not authorized to travel to the Bronx, New York, when he sustained the aforementioned arrest.

- 3 The offender has violated the special supervision condition which states **'You shall refrain from the illegal possession and use of drugs, including prescription medication not prescribed in your name, and the use of alcohol, and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that you shall submit to evaluation and treatment, on an outpatient or inpatient basis, as approved by the U.S. Probation Office. You shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged by the Court. You shall alert all medical professionals of any prior substance abuse history, including any prior history of prescription drug abuse. The Probation Officer shall supervise your compliance with this condition.'**

During an office visit on November 21, 2011, Paulino admitted that he had smoked marijuana a few days earlier, although he did not test positive. He was subsequently instructed to participate in at least three Narcotics Anonymous (NA) meetings per month.

During an employment visit on January 13, 2011, Paulino provided an NA attendance sheet indicating he participated in only two meetings since November 21, 2011.

- 4 The offender has violated the special supervision condition which states, **'You shall undergo treatment in a mental health program approved by the United States Probation Office until discharged by the Court. As necessary, said treatment may also encompass treatment for gambling, domestic violence and/or anger management, as approved by the United States Probation Office, until discharged by the Court. The Probation Officer shall supervise your compliance with this condition.'**

On June 22, 2010, at Paulino's request, the conditions of supervision were amended to include mental health treatment. Paulino, however, repeatedly failed to participate in treatment, and he was unsatisfactorily discharged from treatment at the Human Growth Center, Clifton, New Jersey. While Paulino claimed that his primary motive for not participating in treatment was a lack of transportation, his attendance did not improve after the Probation Office utilized Second Chance Act funds to purchase a bus pass for him for that sole purpose.

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The offender has violated the standard supervision condition which states
'The defendant shall report to the probation officer in a manner and
frequency directed by the Court or probation officer.'

Paulino failed to report as directed on August 24, 2011; September 1, 2011;
November 15, 2011; and December 28, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

DM

By: Denise Morales
U.S. Probation Officer
Date: 1/17/12

THE COURT ORDERS:

☐ The Issuance of a Warrant

☒ The Issuance of a Summons. Date of Hearing: 1/30/12 @ 10:30

☐ No Action

☐ Other

[Signature]
Signature of Judicial Officer

January 17, 2012
Date